

APPEAL NO. 021639
FILED AUGUST 15, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 29, 2002. The hearing officer determined that the appellant's (claimant) _____, compensable injury extends to and includes a disc protrusion at C6-7 and a left shoulder rotator cuff tear but does not extend to and include disc degeneration at L4-5 and L5-S1, disc protrusion at L4-5, spinal stenosis at L4-5 and/or chondromalacia of the right knee; that the claimant did have disability from February 5, 2002, to the present; that the claimant did not have good cause for failing to attend the February 5, 2002, required medical examination (RME), therefore, the respondent (carrier) is not liable for temporary income benefits (TIBs) for the period from February 5, 2002, through April 19, 2002; and that the claimant did not have good cause for failing to attend the designated doctor examination on April 19, 2002, therefore, the claimant is not entitled to TIBs for the period of April 19, 2002, through the date of the hearing. The claimant appealed the determinations regarding extent of injury and nonentitlement to TIBs. The carrier responded, urging affirmance.

DECISION

Affirmed.

We have reviewed the complained-of determinations and find that the hearing officer's Decision and Order is supported by sufficient evidence to be affirmed in its entirety. The issues presented a question of fact for the hearing officer. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a); Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). There was conflicting evidence presented on the disputed issues. We note that the hearing officer recognized that the claimant did physically attend both the RME appointment and the designated doctor appointment, but the hearing officer determined that the claimant's failure to cooperate with the doctors and not allow them to examine her was tantamount to a failure to attend the exams. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Nothing in our review of the record reveals that the hearing officer's determinations are so contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse those determinations on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**GARY SUDOL
9330 LBJ FREEWAY, SUITE 1200
DALLAS, TEXAS 75243.**

Daniel R. Barry
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Elaine M. Chaney
Appeals Judge